

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Service Rules for the 698-746, 747-762	)	WT Docket No. 06-150
and 777-792 MHz Bands	)	
	)	
Revision of the Commission's Rules to Ensure	)	CC Docket No. 94-102
Compatibility with Enhanced 911 Emergency	)	
Calling Systems	)	
	)	
Section 68.4(a) of the Commission's Rules	)	WT Docket No. 01-309
Governing Hearing Aid-Compatible	)	
Telephones	)	
	)	WT Docket No. 03-264
Biennial Regulatory Review – Amendment of	)	
Parts 1, 22, 24, 27, and 90 to Streamline and	)	
Harmonize Various Rules Affecting Wireless	)	
Radio Services	)	
	)	WT Docket No. 06-169
Former Nextel Communications, Inc.	)	
Upper 700 MHz Guard Band	)	
Licenses and Revisions to Part 27 of	)	
the Commission's Rules	)	
	)	PS Docket No. 06-229
Implementing a Nationwide,	)	
Broadband, Interoperable Public	)	
Safety Network in the 700 MHz	)	
Band	)	WT Docket No. 96-86
	)	
Development of Operational, Technical and	)	
Spectrum Requirements for Meeting Federal,	)	
State and Local Public Safety	)	
Communications Requirements Through the	)	
Year 2010	)	

**COMMENTS OF KING COUNTY, STATE OF WASHINGTON**

King County hereby submits these reply comments in response to the Commission's  
*Further Notice of Proposed Rulemaking* in the above-captioned proceedings.

## Executive Summary

Wireless communications are a key component of the King County public safety agencies' ability to render service throughout the county. We make heavy use of the 800 MHz spectrum, and similarly have recently entered into contract for development of a 700 MHz Trunked Radio System. After careful review of the FCC Report and Order and Further Notice of Proposed Rulemaking, FCC 07-72, we believe that, if adopted, it will not deliver on its intended goals in regards to public safety communications. In fact, the provisions of FCC 07-72 related to public safety spectrum assignment will create an environment considerably less conducive to the requirements of public safety operations in the County, rather than enhancing the communication options of the region.

Specifically, King County submits that the current band plan for 700MHz wireless data operation should remain under the control of the public safety communications experts at the Regional Planning Committee ("RPC") level. If the existing approved Region 43 Plan is changed at all, it should be modified to the extent of adding a local option permitting broadband operation. Based on our observations of public safety radio system user requirements, we are concerned that the proposed elimination of wideband wireless data capabilities would create enormous design challenges for system planners in our region.

A plan that effectively removes a key technical option available to public safety agencies and reallocates public safety spectrum to commercial use is, in our view, deeply flawed and must be removed from further consideration.

## Comments on FCC 07-72

### *Background*

King County covers approximately 2,200 square miles and wholly contains the City of Seattle which is both the County and State's largest city. About 80% of the 1.8 million population lives in the western 20% of the land area. The eastern portion of the County reaches to the Cascade Mountains, where radio coverage is more difficult to provide. This area is sparsely populated but has major transportation corridors with heavy commercial and recreational use. There are a large number of separate local governments within King County, including 39 cities, 24 fire districts, the Port of Seattle, four hospital districts, 20 school districts, and 43 water and sewer districts. There are a total of 68 separate public safety agencies delivering police, fire and EMS services to County citizens and visitors.

Being centrally located in the Puget Sound Basin, King County is bounded by two counties with similar characteristics and challenges, which are the Counties of Pierce to the South and Snohomish to the North. Together these three Counties encompass the vast majority of the state's population and are the primary economic drivers of the state economy.

Additionally, approximately half of King County is located within 140Km of the Canadian border and is therefore subject to the special provisions of shared frequency allocations

regulations between British Columbia, Canada, and the United States. These regulations are especially restrictive to the County, and may be the most restrictive in the Country due to the heavily populated areas of Western Washington and Southern British Columbia.

### ***700 MHz Band usage***

King County is currently in frequency coordination to license 16 12.5 KHz channel blocks in the 700MHz Narrowband Voice channel assignments as adopted by the Region 43 700 MHz plan and approved by the FCC. These channels are part of a \$35 million Trunked Radio System Project to bring state of the art communication technology to our Department of Transportation's Metro Transit Division. This new Trunked radio system is actually one portion of a larger effort which combines three separate projects funded and contracted for over \$55 million. This is a capital intensive effort that is heavily dependent upon the integration of the Radio system and its components with other vendors' products to outfit the Transit Division vehicles in accordance with the specific contracts.

We believe that the key provisions present in the FCC Report and Order and Further Notice of Proposed Rulemaking, FCC 07-72 released on April 27th, 2007, would cause the system to be re-engineered at best and at worst re-banded as the current applications before APCO stand. The impact of this risk is uncertain because of the regulatory uncertainty that has arisen as a result of the FNPRM. Without knowing the potential time of implementation of the FNPRM, the full impact will not be known to the King County radio system. However, it is known today that if the FNPRM is adopted, there will be an impact, as half of the channels being applied for are in what will become the new guard band as proposed. Therefore it is safe to assume some level of expense will have to be borne for some indeterminate level of reconfiguration. We believe that cost and any associated costs should not be borne by public safety agencies.

### ***Development of Broadband Services***

King County does support the need to open spectrum to broadband operation for public safety eligible agencies in the 700 MHz band, but is adamantly opposed to doing so at the expense of existing wideband allocations. The FNPRM would prohibit the use of wideband operations in favor of broadband only. We view this as a step backwards.

Wideband capability is still required due to the challenging topographical terrain found in within the County borders and the State of Washington as a whole. Limiting data operations to broadband only will require such an extensive build-out of infrastructure that one of two outcomes are likely. Either the licensee of such systems will choose not to provide coverage in all the areas it might be desired, or the supporting infrastructure to provide total coverage will be so extensive that it is cost prohibitive for use by the public safety entities for which the system is intended to serve, thereby rendering it a failure. Either scenario is an outcome that would be unintended and untenable.

### ***Spectrum Control***

As proposed, the FNPRM shifts control of the spectrum from the RPCs to the commercial licensee responsible for the broadband network. We assert that this would not serve public safety entities' interests. The spectrum should remain in the control of the RPCs. We are fearful that a commercial entity will not be able to grasp the full set of complex issues that public safety

agencies consider in managing the business of the RPC. Since the RPC is made up of public safety, local and state governmental agencies, we feel they are better equipped to control the issues confronting the region than would a commercial entity.

The FCC suggests in the FNPRM that public safety overwhelmingly supports the establishment of the broadband segment as proposed. The County contends that this support is grossly misunderstood and is fully explained by a poorly framed question, not an overwhelming need. If public safety is asked, "Do you support broadband operations?", the answer would be a resounding yes. When asked, "Would you support trading wideband operation for broadband operation?" we sincerely believe the answers would be met with much more negativity. We support the need to open the 700 MHz public safety spectrum to broadband, but would still request wideband operations be permitted in the allocated spectrum segments.

#### ***Canadian Border Concerns***

Being subject to 800 MHz rebanding and the international border issues that result, we also have a very strong belief that this proposal could result in treaty related operational limitations in the 700 MHz band which would likely worsen if the proposal is adopted. Due to frequency sharing arrangements with Canada, the narrowband spectrum will be subject to less available frequencies than the current FCC approved band plan. King County is strongly against any new proposal that results in a reduction of available licensed frequency spectrum on a primary basis.

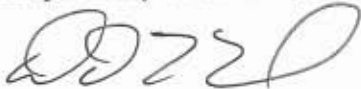
## **Conclusion**

We recognize the benefit in creating flexibility to deploy both broadband and wideband wireless data technologies, and support consideration of a revised band plan that provides for this capability. However, changes to the existing 700 MHz public safety band plan must not be at the expense of public safety allocations and regional planning and control.

A plan that effectively removes a key technical option available to public safety agencies and reallocates public safety spectrum to commercial use is, in our view, deeply flawed and must be removed from further consideration.

Provisions must be allowed to compensate public safety incumbents that are under development in the 700 MHz spectrum or have established systems if they are required to reconfigure. Finally, further actions adopted by the Commission in the 700 MHz spectrum must be cognizant of the international ramifications as they pertain to those incumbents.

Respectfully submitted,



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Radio Communication Services Manager

Date: May 18, 2007